

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICOLE HARRIS,)	
)	
Plaintiff,)	
)	No. 14-cv-4391
v.)	
)	Judge Darrah
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

**PLAINTIFF HARRIS' MOTION *IN LIMINE* TO LIMIT
DEFENDANTS' INQUIRY OF PLAINTIFF'S EXPERT
PROFESSOR CHARLES HONTS**

EXHIBIT D



Jan Susler <jsusler@gmail.com>

honts estimate for subpoena compliance

4 messages

Jan Susler <jsusler@gmail.com>

Wed, Mar 16, 2016 at 10:34 AM

To: Avi Kamionski <akamionski@ahalelaw.com>, gibbonsj@gtlaw.com

Bcc: Stuart Chanen <Stuart.Chanen@valoremlaw.com>, Nicole Auerbach <nicole.auerbach@valoremlaw.com>, Margot Klein <Margot.Klein@valoremlaw.com>, "J.Samuel Tenenbaum" <s-tenenbaum@law.northwestern.edu>, Joey Mogul <JoeyMogul@aol.com>, Janine Hoft <janinehoft@aol.com>

Counsel, at the deposition of Plaintiff's expert Charles Honts, you asked him to provide an estimate of the costs of complying with the subpoena you served mid-deposition. I have attached the estimate he provided.

Jan Susler

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 **3.16.2016 HontsCostEstimate.pdf**
75K**Avi Kamionski** <akamionski@ahalelaw.com>

Thu, Mar 17, 2016 at 3:26 AM

To: Jan Susler <jsusler@gmail.com>

Cc: "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>

Jan -

We would like a dropbox link of all the electronic case files Dr. Honts has in his possession. In the dep, he mentioned that he had electronic files for the last 10 years and that those were easy to access. Based on the estimate line titled "copy electronic files", that should be \$80. We can send a check directly to Dr. Honts for \$80.

We would also like copies of all billing records to Northwestern.

Thanks

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<3.16.2016 HontsCostEstimate.pdf>

Avi T. Kamionski*Partner***Hale Law LLC**

53 W. Jackson Blvd., Ste. 330 | Chicago IL 60604

Direct: 312.870.6928 | Main: 312.341.9646 | Fax: 312.341.9656

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Jan Susler <jsusler@gmail.com>

Fri, Mar 25, 2016 at 2:12 PM

To: Avi Kamionski <akamionski@ahalelaw.com>

Cc: "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>, Stuart Chanen <Stuart.Chanen@valoremlaw.com>, Nicole Auerbach <nicole.auerbach@valoremlaw.com>, Margot Klein <Margot.Klein@valoremlaw.com>, "J.Samuel Tenenbaum" <s-tenenbaum@law.northwestern.edu>, Joey Mogul <JoeyMogul@aol.com>, Janine Hoft <janinehoft@aol.com>

Counsel, I communicated your request to Professor Honts. He asked me to inform you that the electronic case files consist primarily of materials the retaining attorneys sent him to review, which, he reports, includes attorney work product and discovery. He will need to communicate with each of the attorneys who retained him to determine whether he is authorized to release the materials you request – communication which will be inordinately laborious and time-consuming. He also reports that some of the materials (before 2004 or 2005) which exist digitally, he no longer has access to because the software programs are obsolete and the translators no longer exist. Finally, he reports he has no transcripts of trial testimony, and will determine whether he has transcripts of depositions. You can let us know how you wish to proceed.

Jan Susler

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Avi Kamionski <akamionski@ahalelaw.com>

Sun, Mar 27, 2016 at 1:06 PM

To: Jan Susler <jsusler@gmail.com>

Cc: "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>, Stuart Chanen <Stuart.Chanen@valoremlaw.com>, Nicole Auerbach <nicole.auerbach@valoremlaw.com>, Margot Klein <Margot.Klein@valoremlaw.com>, "J.Samuel Tenenbaum" <s-tenenbaum@law.northwestern.edu>, Joey Mogul <JoeyMogul@aol.com>, Janine Hoft <janinehoft@aol.com>

How much will he charge to send me just the reports (not the attorney work product or discovery he got from them) he wrote in all the cases he has electronically?

As far as cases he worked on with Northwestern - we still would like to get all the bills he generated for them - as well as time records and bills he generated to your side in this case.

We would also like all the materials he worked on for the cases he did for Northwestern - I am sure your colleagues at Northwestern would not object to him turning over that information to us.

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Jan Susler <jsusler@gmail.com>

Harris - Charles Honts

3 messages

Avi Kamionski <akamionski@ahalelaw.com>

Wed, Mar 30, 2016 at 9:17 AM

To: Jan Susler <jsusler@gmail.com>

Cc: "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>, "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, Tiffany Fordyce <FordyceT@gtlaw.com>, "flynnk@gtlaw.com" <flynnk@gtlaw.com>, "fordycet@gtlaw.com" <flynnk@gtlaw.com>

Counsel -

Where do we stand on the documents we requested?

We are also still waiting on the billing records to Northwestern and billing records and time sheets for the work Honts has done in this case for the plaintiff.

Please advise when we should be expecting all these materials.

Thanks

Avi T. Kamionski*Partner***Hale Law LLC**

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Jan Susler <jsusler@gmail.com>

Wed, Mar 30, 2016 at 2:26 PM

To: Avi Kamionski <akamionski@ahalelaw.com>

Cc: "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>, "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, Tiffany Fordyce <FordyceT@gtlaw.com>, "flynnk@gtlaw.com" <flynnk@gtlaw.com>, "fordycet@gtlaw.com" <flynnk@gtlaw.com>, Stuart Chanen <Stuart.Chanen@valoremllaw.com>, Nicole Auerbach <nicole.auerbach@valoremllaw.com>, Margot Klein <Margot.Klein@valoremllaw.com>, "J.Samuel Tenenbaum" <s-tenenbaum@law.northwestern.edu>, Janine Hoft <janinehoft@aol.com>, Joey Mogul <JoeyMogul@aol.com>

Counsel, Professor Honts teaches on Mondays and Tuesdays and was not available until this afternoon for me to follow up.

As for your request for his reports in other cases in which he has testified, he reports that in some of the criminal cases, he has signed agreements with retaining counsel that he is not to disclose documents without their explicit permission. He maintains that even in cases where this agreement does not obtain, he is not comfortable releasing any material without first obtaining permission from retaining counsel. We propose to identify which cases are civil, and then modify the estimate of what he would have to charge you to contact the civil retaining attorneys and, if granted permission, to disclose.

As for your request for "all the materials he worked on for the cases he did for Northwestern," it would be most helpful if you could provide us with authority supporting your right to these materials.

As for your request for his time sheets and billing records for what you refer to as "Northwestern" cases other than Plaintiff's, it would also be helpful if you could provide us with authority supporting your right to such documents.

Jan Susler

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Jan Susler <jsusler@gmail.com>

Wed, Apr 6, 2016 at 4:53 PM

To: Avi Kamionski <akamionski@ahalelaw.com>

Cc: "Andrew M. Hale" <ahale@ahalelaw.com>, Shneur Nathan <snathan@ahalelaw.com>, "<gibbonsj@gtlaw.com>" <gibbonsj@gtlaw.com>, Tiffany Fordyce <FordyceT@gtlaw.com>, "flynnk@gtlaw.com" <flynnk@gtlaw.com>, "fordycet@gtlaw.com" <fordycet@gtlaw.com>, Stuart Chanen <Stuart.Chanen@valoremlaw.com>, Nicole Auerbach <nicole.auerbach@valoremlaw.com>, Margot Klein <Margot.Klein@valoremlaw.com>, "J.Samuel Tenenbaum" <s-tenenbaum@law.northwestern.edu>, Janine Hoft <janinehoft@aol.com>, Joey Mogul <JoeyMogul@aol.com>

Counsel, following your deposition of Professor Honts, he looked more closely at the cases in which he testified and determined that he has given reports and/or sworn testimony in five civil cases, including:

- * a report but no transcript in Deskovic #104 and 107;
- * a report and dep transcript in Livers #100;
- * a report but no transcript in Gutierrez #94;
- * a report and dep transcript in Cordova #94 and 90;
- * a report and possibly a dep transcript (not electronic) in Lee #82.

He has provided me with the following estimate for producing the reports and transcripts from those cases as between 3.5 and 6.5 hours, or \$1400 to \$2600, as follows (times are approximate):

1.5 hours to write to the respective counsel and obtain permission to release these materials.

1 hour to organize the electronic data.

3 hours to find and scan non-electronic stored testimony.

You can let us know how you wish to proceed.

Jan Susler

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